

E. RELEVANCY IN DEBATE

§ 35. Debate in the House

The House rules provide in Rule XIV clause 1 that in addressing the House a Member “shall confine himself to the question under debate, avoiding personality.”⁽¹⁹⁾ The rule is neither intended nor enforced to prevent free and open debate in the House at the appropriate time, but is designed to expedite proceedings when a specific proposition is before the House for action. Although the Speaker or the Chairman of the Committee of the Whole may on his own initiative call a Member to order for indulging in irrelevant debate,⁽²⁰⁾ the Chair generally awaits a point of order before ruling on the issue.⁽¹⁾ If a Member persists in

irrelevant debate after being cautioned by the Chair to proceed in order, the House may proceed under clause 4 of Rule XIV, requiring that the Member take his seat and not proceed further without the consent of the House.⁽²⁾

The rule of relevancy of debate in the House is a rule of common sense and flexibility, and Members must be permitted some latitude to discuss issues related to the pending proposition.⁽³⁾

A Member may be authorized by the House (or Committee of the Whole) to discuss matters unrelated to the pending proposition by requesting unanimous consent “to speak out of order.”⁽⁴⁾

Where a special rule from the Committee on Rules is pending, to provide for the consideration of a bill, debate in the House thereon should be confined to the merits and provisions of the resolution and should not extend to a general and complete discussion of the measure whose consideration is provided for in the resolution, since such debate should transpire

19. See *House Rules and Manual* § 749 (1995). For discussion of the rule against indulging in personalities in debate, see § 60, *infra*.

20. For occasions where the Speaker has called Members to order on his own initiative for failing to confine themselves to a question of privilege, see § 36.5, *infra*; 8 Cannon's Precedents § 2481. 5 Hinds' Precedents § 5043 (footnote) indicates that in the early practice of the House of Representatives, the Speaker routinely called Members to order for speaking beside the question.

1. See, for example, §§ 35.1 and 35.11, *infra*; 5 Hinds' Precedents §§ 5043–5048.

2. 8 Cannon's Precedents § 2534.

3. See the Speaker's statement at § 35.1, *infra*. Early practice took a very strict construction of the rule; see 5 Hinds' Precedents §§ 5043–5048.

4. See § 35.7, *infra*.

during the consideration of the measure itself. But the nature and importance of a special order requires that debate be allowed on the general purposes and necessity for consideration of the measure provided for, as well as discussion of past proceedings on other bills to demonstrate the reasons for the drafting of the resolution in question.⁽⁵⁾

It has always been held, and generally quite strictly, that in the House the Member must confine himself to the subject under debate.⁽⁶⁾ Debate on a motion to amend must be confined to the amendment, and may neither include the general merits of the bill,⁽⁷⁾ nor range to the merits of a proposition not included in the underlying resolution.⁽⁸⁾

A Member raising a question of privilege, either of the House or of the Member, must confine himself to the question presented,⁽⁹⁾ and

5. See §§ 35.1–35.5, *infra*.

6. See 5 Hinds' Precedents §§ 5043, 5048; 6 Cannon's Precedents § 576; and 8 Cannon's Precedents §§ 2481, 2534.

7. See 5 Hinds' Precedents §§ 5049, 5051.

8. See § 35.21, *infra*.

9. See § 36.1, *infra* (personal privilege) and § 36.5, *infra* (privilege of the House). For earlier precedents, see 6 Cannon's Precedents § 576; 8 Cannon's Precedents § 2481.

may not generally refer to pending legislation.⁽¹⁰⁾ Where the question of privilege is based upon criticism of the Member's statements or actions with respect to a certain legislative proposal, he may refer to that proposal in order to justify his motivations and to answer the criticism raised.⁽¹¹⁾

Where a proposition is not pending in the House, Members may express themselves on any subject (which is otherwise appropriate under the rules of the House) by requesting unanimous consent to address the House or by inserting remarks in the Record.⁽¹²⁾

Relevancy During General Debate

§ 35.1 Debate in the House is confined to the subject under consideration, but the Speaker has indicated that the rule of relevancy is applied with tolerance and latitude.

On Dec. 10, 1963,⁽¹³⁾ Mr. Byron G. Rogers, of Colorado, raised a

10. See § 36.3, *infra*.

11. See § 36.2, *infra*.

12. For one-minute and special-order speeches, see § 73, *infra*.

13. 109 CONG. REC. 23968, 88th Cong. 1st Sess.

point of order against the remarks of Mr. William H. Avery, of Kansas. Mr. Rogers observed that the House was at that time considering a special rule on the indigent defendants bill, whereas Mr. Avery was talking about the civil rights bill. Speaker John W. McCormack, of Massachusetts, ruled as follows:

The Chair takes a lenient attitude toward debate in the House. If the gentleman from Kansas feels that there is anything involved in this bill that might be connected with legislation concerning civil rights, the Chair feels that the gentleman, who is conversant with the rules, is proceeding and will proceed in order.

Mr. H. R. Gross, of Iowa, then asked unanimous consent that Mr. Avery have permission to speak out of order and the House so ordered.

Debate on Special Order

§ 35.2 Debate on a resolution reported by the Committee on Rules and providing for the consideration of a bill is generally limited to the merits of such resolution.

On June 22, 1937, House Resolution 227 was offered by the Committee on Rules to provide a special rule for consideration in the Committee of the Whole of a bill relating to the tenure of certain federal judges (H.R. 2271).⁽¹⁴⁾

14. 81 CONG. REC. 6157, 75th Cong. 1st Sess.

Mr. Leon Sacks, of Pennsylvania, who was yielded time, rose:

Mr. Speaker, there are no words I can utter to defend that great Governor of Pennsylvania, George H. Earle, which would explain his humane qualities and true democratic principles more than his own action. Does the gentleman from Michigan prefer the action of the President of his own party at Anacostia, or would he prefer the orderly prevention of bloodshed in Johnstown?

Speaker William B. Bankhead, of Alabama, sustained a point of order that Mr. Sacks was not proceeding in order, since the matter under debate was the resolution reported from the Committee on Rules for the consideration of the bill and because Mr. Sacks' remarks were not directed to the merits of that procedure:

THE SPEAKER: . . . The Chair will state the rule and its proper interpretation.

Rule XIV provides as follows:

When any Member desires to speak or deliver any matter to the House, he shall . . . confine himself to the question under debate, avoiding personality.

The matter now under debate is the resolution reported out of the Committee on Rules for the consideration of a bill from the Committee on the Judiciary. The gentleman from Pennsylvania will kindly proceed in order under the rule.⁽¹⁵⁾

15. *Id.* at p. 6162.

§ 35.3 In debate on a special rule, the terms of which restrict general debate upon a bill to a specified time, it is in order to show by way of illustration from past experience the need for limiting general debate on the bill, but such discussion may not be broadened to include a reply to a speech made at some other time in general debate.

On June 20, 1935, while the House was considering a special rule (H. Res. 266) for consideration of a deficiency appropriation bill (H.R. 8554) in the Committee of the Whole, several points of order were made that Mr. Byron B. Harlan, of Ohio, was indulging in general debate rather than specific debate on the special rule.⁽¹⁶⁾

Speaker Joseph W. Byrns, of Tennessee, ruled that Mr. Harlan must confine himself to the resolution before the House and not discuss extraneous matters. After some intervening debate, the Speaker asked Mr. Harlan to suspend his debate for a comment from the Chair:

. . . It has always been the custom heretofore in discussing resolutions making in order matters of legislation for Members to be rather liberal in

their discussions and not necessarily to confine themselves to the pending resolution.

The Chair thinks that discussion on these rules should not be too narrowly restricted. Of course, under the precedents, a Member must confine himself to the subject of debate when objection is raised. The pending resolution is one which undertakes to limit general debate upon the deficiency bill to 2 hours and to confine the debate to the bill itself. The Chair thinks it is entirely too narrow a construction to undertake to hold a Member, in discussing the resolution either pro or con, to the simple question of whether or not the rule should be adopted, and that it is entirely legitimate discussion for a Member who is undertaking to uphold the rule and to justify confining debate to the bill to cite as illustrations what has occurred in previous discussions. The Chair does not think a Member, in using such illustrations, is justified in answering a speech that has been made upon a previous occasion. However, the Chair repeats that the Chair does think it is perfectly legitimate for a Member who is undertaking to justify the rule to refer to experiences on previous occasions where the debate was not limited to the bill, and the Chair hopes that the gentleman from Ohio will proceed in order.

Debate on Special Order for Consideration of Bill

§ 35.4 While under clause 1 of Rule XIV, debate in the House is confined to the question under debate, debate on a special rule re-

16. 79 CONG. REC. 9783, 9784, 74th Cong. 1st Sess.

ported from the Committee on Rules providing for the consideration of a bill may range to the merits of the bill proposed to be considered.

On Sept. 26, 1989,⁽¹⁷⁾ during consideration of House Resolution 245 (providing for consideration of H.R. 3299, the Omnibus Budget Reconciliation Act of 1989) in the House, the following proceedings occurred:

MR. [BUTLER] DERRICK [of South Carolina]: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 245 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 245

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3299) to provide for reconciliation pursuant to section 5 of the concurrent resolution on the budget for the fiscal year 1990. . . .

MR. [JAMES A.] TRAFICANT [Jr., of Ohio]: . . . Now, in this package that we are discussing today, there is a capital gains cut proposal being bandied around. Here are the statistics I have, and if I am wrong, I would be glad to be corrected. If you are a family of four and you earn \$25,000 your tax break will be \$15.

17. 135 CONG. REC. 21530, 21532, 101st Cong. 1st Sess.

MR. [CLIFFORD B.] STEARNS [of Florida]: Mr. Speaker, I have a point of parliamentary inquiry. . . .

My question, Mr. Speaker, is this: Is this debate relative to the rule?

THE SPEAKER PRO TEMPORE:⁽¹⁸⁾ The House is presently debating the resolution from the Committee on Rules.

MR. STEARNS: And, Mr. Speaker, this particular debate by this distinguished gentleman is relevant to the rule?

THE SPEAKER PRO TEMPORE: The debate on the rule can go beyond the language of the resolution and the rule proposed to the merits of the legislation which will be considered by the rule.

§ 35.5 Debate on a special rule reported from the Committee on Rules authorizing the Speaker to entertain motions to suspend the rules on the current calendar day should be confined to that proposal; while it is permissible during debate on such rule to discuss the priority of business and the importance of bills that would not be scheduled for consideration under the rule, it is not permissible to discuss the substance of such bills on the merits.

On Sept. 27, 1990,⁽¹⁹⁾ the House was considering a resolution⁽²⁰⁾

18. Richard J. Durbin (Ill.).

19. 136 CONG. REC. 26226, 101st Cong. 2d Sess.

20. H. Res. 479.

permitting motions to suspend the rules on that calendar day. A bill that would not be scheduled for consideration under the proposed rule was discussed:

MR. [ROBERT S.] WALKER [of Pennsylvania]: . . . I am sure the chairman of the Judiciary Committee is speaking from the standpoint of this caucus when he says that he has a tough crime bill, but one of our concerns was that, for instance, in that bill that someone who blew up an airplane that contained 300 people would not be eligible for the death penalty. That would not be an option allowed to the jury under Federal law in the bill that he brought forward to us. We regard that as maybe being not quite tough enough.

There are concerns [about] the business of applying racial quotas to a death penalty consideration that is in the gentleman's bill. There are many people who feel that racial quota portion will, in fact, negate the ability of juries to deal meaningfully with death penalty decisions. . . .

I simply would say that we have to have a rule on the House floor that allows us to get real votes on some of these meaningful issues. . . .

MR. [JAMES A.] HAYES of Illinois: Mr. Speaker, I thought that we were discussing the rule on the suspensions. Now we have got into discussing the content of the crime bill. I think it is completely out of order.

THE SPEAKER PRO TEMPORE:⁽¹⁾ The gentleman is correct. The debate should proceed on the matter before

the House, and that is the rule proposed by the gentleman from Massachusetts on the suspensions. . . .

MR. [BILL] MCCOLLUM [of Florida]: . . . I totally agree with the gentleman. The issue is this rule. The issue is on the question of the consideration of all these suspensions today, instead of considering the crime bill, instead of considering something that could have been out here much earlier than it is apparently going to be, not the substance of the work of the gentleman from Texas. . . .

MR. [CRAIG A.] WASHINGTON [of Texas]: Mr. Speaker I raise a point of order that the gentleman is not discussing the matter up for discussion on the floor.

THE SPEAKER PRO TEMPORE: The Chair will advise the Members, that in the Chair's opinion discussing the priority of business is probably within the confines of the resolution called up by the gentleman from Massachusetts, but when debate ranges into the merits of the relative bills not yet before the House, the Chair would admonish the Members that that probably goes beyond the resolution offered by the gentleman from Massachusetts.

Role of Chair in Enforcing Relevancy

§ 35.6 The Chair does not take the initiative to enforce the rule of relevance in debate but does enforce the rule when a point of order based thereon is made.

On Sept. 27, 1990,⁽²⁾ during consideration of a special rule author-

1. Terry L. Bruce (Ill.).

2. 136 CONG. REC. 26226, 26227, 101st Cong. 2d Sess.

izing the Speaker to entertain motions to suspend the rules on that calendar day, substantive issues relating to bills that would not be scheduled for consideration under the rule were discussed during debate on the rule.⁽³⁾ The Chair indicated that the rule of relevance in debate is enforced “where that point of order is made:”

MR. [BILL] MCCOLLUM [of Florida]: . . . The issue is on the question of the consideration of all these suspensions today, instead of considering the crime bill, instead of considering something that could have been out here much earlier than it is apparently going to be. . . .

MR. [CRAIG A.] WASHINGTON [of Texas]: Mr. Speaker, I raise a point of order that the gentleman is not discussing the matter up for discussion on the floor. . . .

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Speaker, I have a parliamentary inquiry. . . .

Mr. Speaker, since we are suspending all of the rules of the House at the Speaker’s discretion under this bill, is it not appropriate to discuss matters that the Speaker might decide to suspend the rules on this day? . . .

THE SPEAKER PRO TEMPORE:⁽⁴⁾ . . . [O]nce the House gets into debating the content of the legislation that might be brought before the House, the Chair would admonish Members they have gone beyond the confines of the

motion made by the gentleman from Massachusetts. . . .

MR. WALKER: . . . [I]n discussing suspending all of the rules of the House . . . for the rest of this day, it seems to us there are matters of content involved. Is the Chair suggesting we cannot discuss matters of content of things that might be suspended under the rules?

THE SPEAKER PRO TEMPORE: The Chair would admonish the Members that they are not allowed to discuss the merits of matters not pending before the House where that point of order is made. The pending business before the House is the resolution offered by the gentleman from Massachusetts, to adopt the rule reported by the Committee on Rules.

That is what is before the House.

Pro Forma Amendment

§ 35.7 Where a Member was addressing the House on a motion to strike out the last word and consent was granted to him to proceed for an additional time, the Speaker held that he must confine his remarks to the bill under consideration where objection was made, notwithstanding that in his original time he had not been proceeding in order.

On June 15, 1935,⁽⁵⁾ Mr. Thomas L. Blanton, of Texas, arose to

3. For further discussion of the proceedings, see § 35.5, *supra*.

4. Terry L. Bruce (Ill.).

5. 79 CONG. REC. 9383, 74th Cong. 1st Sess.

state a parliamentary inquiry where the House was considering a bill by unanimous consent in the House as in the Committee of the Whole:

Where a Member is speaking on the floor, out of order, under a motion to strike out the last word, and it is clearly apparent to every person present that his speech is out of order, and another Member . . . from Mississippi [Mr. Rankin] . . . asks that he be permitted to proceed for 15 minutes so that he may have time to examine his records, when it is generally understood that the whole speech is out of order, and the unanimous consent for such 15 additional minutes is granted by the House, is the Member precluded from so using his 15 minutes? I submit that it was generally understood that the extra 15 minutes granted by the House were to be used out of order.

Speaker Joseph W. Byrns, of Tennessee, ruled as follows:

The Chair will state to the gentleman from Mississippi, that the gentleman, of course, is familiar with the rules, and knows how consent may be obtained to speak out of order. The gentleman from Mississippi did not submit his request in that form. The gentleman made reference to some records that the gentleman from New Hampshire was searching for at the time. Consent was given to proceed for 15 minutes. When a Member of the House exercises his privilege and makes the point of order that the gentleman is proceeding out of order when consent has not been given, there is no alternative and the Chair must rule

that the point of order is well taken and ask the gentleman speaking to confine himself to the matter before the House.

Parliamentarian's Note: The Speaker had previously advised that in order to obtain permission to deliver remarks unrelated to the pending question, a Member must specifically request unanimous consent to "speak out of order."

During Morning Hour Call of Committees

§ 35.8 Debate in the House during the morning hour call of committees must be confined to the pending matter under consideration.

On June 12, 1933,⁽⁶⁾ during the morning hour call of committees, the Committee on the Judiciary was called and Mr. Gordon Browning, of Tennessee, called up a bill to establish a Tennessee judicial district. Mr. Edward W. Goss, of Connecticut, raised a parliamentary inquiry: "Do I understand this time is allotted for general debate, or is the debate confined to the bill, under the rule?" Speaker Henry T. Rainey, of Illinois, ruled that "In the House, de-

6. 77 CONG. REC. 5816, 73d Cong. 1st Sess.

bate must be confined to the bill under consideration."

Debate on Impeachment Charges

§ 35.9 In presenting impeachment charges a Member is not confined to a bare statement of the charges but may supplement them with argumentative statements.

On May 7, 1935,⁽⁷⁾ Mr. Everett M. Dirksen, of Illinois, rose in order to prefer charges of impeachment against Federal Judge Samuel Alschuler. During Mr. Dirksen's address, in which he stated his personal opinion of the judge in question and of other federal judges, Mr. Hatton W. Sumners, of Texas, arose to state:

I am not familiar with the precedents, but I have the impression that in preferring charges of impeachment, argumentative statements should be avoided as much as possible. If I am wrong in that statement with reference to what the precedents and custom have established, I of course withdraw the observation.⁽⁸⁾

Mr. Dirksen stated that he had no desire to violate the precedents but stated that there were two additional pages of explanatory matter which he desired either to

state to the House or to insert into the Record to elaborate the statement of specific charges that had been made. Speaker Joseph W. Byrns, of Tennessee, ruled:

The Chair thinks it is entirely up to the gentleman from Illinois so far as the propriety of his statement is concerned.⁽⁹⁾

Similarly, on Jan. 14, 1936, Mr. Robert A. Green, of Florida, arose to present impeachment charges against Federal Judge Halsted L. Ritter.⁽¹⁰⁾ Mr. Carl E. Mapes, of Michigan, rose to state a point of order that Mr. Green was presenting argumentative and personal statements, after Mr. Green had delivered the following remarks:

. . . I am vitally interested in this investigation for two important reasons: First, from a careful study of the evidence I am convinced that Judge Ritter is an ignorant, unjust, tyrannical, and corrupt judge; that a majority of the people in his district have the same convictions that I have; that confidence in him and his court is lacking; that his usefulness as a judge of the southern district of Florida has long since come to an end. Second, a large portion of the district over which Judge Ritter presides is in my congressional district, and my people demand and feel that they are entitled to a judge learned in the law and one who has dignity, honor, and integrity.⁽¹¹⁾

9. *Id.*

7. 79 CONG. REC. 7081, 74th Cong. 1st Sess.

8. *Id.* at p. 7085.

10. 80 CONG. REC. 404, 74th Cong. 2d Sess.

11. *Id.* at pp. 405, 406.

Speaker Byrns ruled that Mr. Green was entitled to one hour's debate on the charges and that he could use all or any portion of the hour as he saw fit, including a general discussion of the charges.

§ 35.10 In debating articles of impeachment a Member may refer to the political, social, and family background of the accused.

On Mar. 2, 1936, Mr. Hatton W. Sumners, of Texas, called up for consideration House Resolution 422 presenting articles of impeachment against Federal Judge Ritter.⁽¹²⁾ Extensive debate ensued on the resolution, and Mr. Louis Ludlow, of Indiana, arose to present himself as a "character witness" on behalf of Judge Ritter. He began to discuss the family background of the accused and the "outstanding character and personality" of the accused's father.

Mr. Malcolm C. Tarver, of Georgia, arose to state the point of order that Mr. Ludlow was "endeavoring to read into the Record a statement with regard to the progenitors of the gentleman against whom these impeachment proceedings are pending." Mr. Tarver stated that such matters were not properly to be considered

by the House and should not be discussed.⁽¹³⁾

Speaker Joseph W. Byrns, of Tennessee, ruled that within the four and one-half hours of debate provided for on the resolution, Members could address themselves to any subject relating to the articles of impeachment and the accused.⁽¹⁴⁾

Electing Member to Committee

§ 35.11 During debate on the election of a Member to a standing committee, it is beyond the scope of permissible debate to indulge in personal attacks against the nominated Member or to address the possible future agenda of the committee, but should relate to the qualifications of the Member to serve on the committee.

On July 10, 1995,⁽¹⁵⁾ the House had under consideration a resolution to elect a Member to a standing committee:

MR. [JOHN A.] BOEHNER [of Ohio]: Mr. Speaker, by direction of the Republican Conference, I offer a privileged resolution (H. Res. 183) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

13. *Id.* at pp. 3069, 3070.

14. *Id.* at p. 3069.

15. 141 CONG. REC. p. ____, 104th Cong. 1st Sess.

12. 80 CONG. REC. 3066, 74th Cong. 2d Sess.

H. RES. 183

Resolved, that the following named Member be, and he is hereby, elected to the following standing committee of the House of Representatives:

Committee on Ways and Means:
Mr. Laughlin of Texas, to rank following Mr. Portman of Ohio. . . .

MR. BOEHNER: . . . Mr. Speaker, as chairman of the Republican Conference, I am pleased to welcome the gentleman from Texas, Mr. Greg Laughlin, to our party. Mr. Laughlin saw fit several weeks ago to change parties here in the House of Representatives, and we are glad to have him on our side of the aisle.

As a result, about a week and a half ago, the Republican conference did in fact vote by unanimous vote to place the gentleman from Texas [Mr. Laughlin] on the Committee on Ways and Means. To my colleagues on the other side of the aisle who appear to have some chagrin over the fact we are placing Mr. Laughlin on the Committee on Ways and Means, I would point out that today Republicans hold about 58 percent of the seats on the Committee on Ways and Means. It has been since 1923 that the majority party has had less than 60 percent of the votes on the Committee on Ways and Means. Historically, that percentage has been a 60 to 40 split between the majority and minority on the Committee on Ways and Means. . . .

MR. [RICHARD A.] GEPHARDT [of Missouri]: . . . Mr. Speaker, I would like to respond to the case that the distinguished gentleman from Ohio has made on behalf of the Republican side. I would like to respond to both what is happening here procedurally and what is happening substantively.

First, the procedure: The gentleman is correct in saying that in past Congresses there has been a desire on the part of the majority party on certain key committees to have a larger ratio than the ratio represented by the members of the House. Many times in the past, we have had 60 percent, as Democrats on the Committee on Ways and Means and on the Committee on Rules. But I would point out that in all of those times, the ratio that the Democrats represented in the House was higher than the 53 percent that the Republicans now represent as part of the House. . . .

Let me talk about the substance. What I think is really going on here is an attempt, as was pointed out in the Washington Times on Friday, June 30, 1995, to add a Republican member of senior status to shield freshman Republicans from having to vote for deep, deep cuts in Medicare.

I quote, "Mr. Laughlin likely will provide support for potentially unpopular reductions in Medicare benefits, should GOP leaders give three committee freshmen, all of whom won with less than 51 percent of the vote, permission to vote 'no.'"

My colleagues, what is about to happen in Medicare are the largest changes to Medicare in the history of the program. If the hints we are reading in the weekend press are right, we are talking about huge increases in the premiums for Medicare recipients. If that is what is going on here, a stacking of the committee in order to make sure those cuts go through, then this is substantively wrong. If Members on your side of the aisle believe in these kinds of changes in Medicare, everybody should vote for it. Why should we

be shielding Members from voting for these kinds of cuts?

Finally, let me tell you what I really think is going on here. In reading the comments of leaders on the Republican side for some time now, not just lately, I think there is an effort here to make Medicare a voluntary program. I think there is an effort to get rid of Medicare. I think that is what is really at stake. . . .

MR. BOEHNER: Mr. Speaker, I have a parliamentary inquiry. . . .

Mr. Speaker, is it my understanding that the debate on this issue should be confined to the resolution that is on the floor of the House?

THE SPEAKER PRO TEMPORE: ⁽¹⁶⁾ The rules and precedents of the House would indicate that debate on the matter should relate to the matter before the House. . . .

MR. [DAVID E.] BONIOR [of Michigan]: . . . Mr. Speaker, let us not kid ourselves this evening. This debate is about one simple thing. And while we may talk about representation on the committee, which, in fact, I believe has been skewed, this debate is about Medicare. It is about whether or not we should cut Medicare to provide tax cuts for the wealthiest people in our society. It is about whether or not we should double Medicare premiums to give a tax break to the wealthiest corporations in America. . . .

MR. BOEHNER: Mr. Speaker, I make a point of order that the gentleman is not speaking to the relevant issue at hand. I make a point of order that the gentleman in the well, the minority whip, is not talking to the relevant

issue at hand that is in the debate today. The issue is the seating of the gentleman from Texas [Mr. Laughlin] on the Committee on Ways and Means. The gentleman proceeded, as others before him have, to talk about the issue of Medicare, which is not the subject of debate. As I understand the rules of the House, the gentleman should be required to speak to the issue that is on the floor.

THE SPEAKER PRO TEMPORE: The gentleman makes a point of order that engaging in debate should be on the topic before the House. The gentleman in the well is reminded that the debate topic before the House is the resolution with regard to membership on the committee and debate should be confined to that subject matter.

MR. BONIOR: Mr. Speaker, I would say to the Members that the members who serve on that committee will determine that fate of literally 40 million Americans on Medicare. There is no way you can divide or divorce the issue of who sits on that committee and the issue of what tax breaks are given, what tax breaks are taken away, what Medicare benefits are given, what Medicare benefits are taken away, what Medicaid benefits are given, what Medicaid benefits are taken away. They are bound together. . . .

THE SPEAKER PRO TEMPORE: The gentleman is requested by the Chair to proceed in order.

MR. BONIOR: As this Washington Times article points out, "Mr. Laughlin will provide support for potentially unpopular reductions in Medicare benefits, should the GOP leaders give three committee freshmen, all of whom won with less than 51 percent of vote, per-

16. Robert S. Walker (Pa.).

mission to vote no." Which raises the question, what will Mr. Laughlin do on this committee? Will he cover for these three freshmen? It is an interesting question. Mr. Laughlin ought to tell the American people. He ought to tell the people of the district what are his intentions with respect to Medicare, if he is going to serve as a member of this committee.

POINT OF ORDER

MR. BOEHNER: Mr. Speaker, I rise to a point of order.

THE SPEAKER PRO TEMPORE: The gentleman will state his point of order.

MR. BOEHNER: Mr. Speaker, I make a point of order that the gentleman in the well is questioning the motives of the gentleman that is in question on the resolution appointing him to the committee.

THE SPEAKER PRO TEMPORE: The gentleman at this point has not named any member of the Committee on Ways and Means. The gentleman is reminded, however, that he has an obligation to the rules of the House to proceed in order. . . .

MR. BONIOR: Mr. Speaker, I would like to pose a question to the Speaker then. The question is this, how does the Speaker intend to separate those who serve on the committee from the jurisdiction which they have on that committee? What is the dividing line? Would the Chair give a ruling to this Member on where the dividing line is?

THE SPEAKER PRO TEMPORE: The resolution before the House is on the election of the gentleman from Texas [Mr. Laughlin] to the committee. The subject matter before the House is not what he plans to do once he joins the

committee. The gentleman will confine himself to the issue before the House. . . .

MR. [JOHN D.] HAYWORTH [Jr., of Arizona]: . . . Mr. Speaker, it is absolutely fascinating to listen to the guardians of the old order, the new minority, espouse a form of institutional amnesia. I may not have been here in previous Congresses, but thanks to C-SPAN and thanks to the history books, we can take a look and we can see what happened time and again in this Chamber. Debate was shut up. People were stifled. We had a decision that existed that was egregious.

POINT OF ORDER

MR. BONIOR: Point of order, Mr. Speaker. The gentleman is not talking about the resolution and he is off the issue.

THE SPEAKER PRO TEMPORE: The gentleman from Arizona [Mr. Hayworth] must confine himself to the subject matter of the resolution before the House. . . .

MR. [BILL] PAXON [of New York]: Mr. Speaker, when the Democrats give a big tax liberal a seat on the Committee on Ways and Means, they call it good government. However, when Republicans give a smaller tax, smaller government conservative a seat on the Committee on Ways and Means, the Democrats say something is wrong with that. The truth is today's debate has nothing to do at all with selling out or with Medicare or anything else. It has to do with sour grapes.

For years the Democrats' liberal leadership has used conservatives. They have promised them seats on important committees, like the Com-

mittee on Ways and Means, but when it came time to deliver, it was not done.

POINT OF ORDER

MR. [BARNEY] FRANK of Massachusetts: Point of order, Mr. Speaker. My point of order is that unless the Speaker has taken the words of the gentleman from Michigan to heart, that violates the subject of the Speaker's previous instructions, Mr. Speaker. It is off the point of the issue of appointing the gentleman from Texas [Mr. Laughlin].

THE SPEAKER PRO TEMPORE: The gentleman from New York [Mr. Paxon] is reminded he must proceed in order.

MR. PAXON: Mr. Speaker, the truth about this whole committee's assignment brouhaha brought up by our friends across the aisle is that the liberal leadership wants conservative bodies in their caucus but does not want to deliver for them on this House floor. Now they are angry that the gentleman from Texas, Greg Laughlin, the gentleman from Georgia, Nathan Deal, Richard Shelby, Senator Campbell, and about 100 State and local Democrats have switched parties. That is what this debate is about here.

POINT OF ORDER

MR. FRANK of Massachusetts: Point of order, Mr. Speaker. This clearly violates the spirit of the Speaker's previous instructions. I would like to be clear that unless we are going to have one test of rules for this party and another set of rules for the other, that clearly violates what the gentleman stated to the gentleman from Michigan [Mr. Bonior].

THE SPEAKER PRO TEMPORE: The Chair had reminded Members on both sides of the aisle when the question has been raised that they are to proceed in order. The Chair would continue to say to both sides of the aisle in fairness that they must proceed in order on the resolution. The subject matter under discussion is the election of the gentleman from Texas [Mr. Laughlin] on the Committee on Ways and Means. That should be the subject of the discussion on the floor.

Resignation From Committee

§ 35.12 In response to parliamentary inquiries, the Speaker indicated that the question of whether a Member should be relieved from committee service was debatable only within narrow limits and that the Chair would take the initiative in enforcing that restriction.

On June 16, 1975,⁽¹⁷⁾ after the Speaker⁽¹⁸⁾ laid before the House a letter of resignation from the chairman of the Select Committee on Intelligence, the following proceedings occurred:

The Speaker laid before the House the [resignation of Mr. Lucien N. Nedzi, of Michigan] from the House Select Committee on Intelligence. . . .

THE SPEAKER: The question is, shall the resignation be accepted?

17. 121 CONG. REC. 19054, 19056, 19059, 94th Cong. 1st Sess.

18. Carl Albert (Okla.).

The Chair recognizes the gentleman from Michigan (Mr. Nedzi). . . .

MR. NEDZI: . . . Mr. Speaker, I yield 15 minutes to the gentleman from Michigan (Mr. O'Hara).

MR. [JAMES G.] O'HARA [of Michigan]: Mr. Speaker, before proceeding, I wonder if I could address to the Chair a parliamentary inquiry.

THE SPEAKER: The gentleman may state his parliamentary inquiry.

MR. O'HARA: Mr. Speaker, I have looked at the precedents and I am somewhat uncertain as to the proper scope of the debate on such a question. I would hope that the Chair could enlighten this gentleman and the House.

THE SPEAKER: . . . The Chair will state that rule XIV, clause 1, requires that a Member confine himself to the question under debate in the House, avoiding personalities. On January 29, 1855, as cited in section 4510 of volume 4, Hinds' Precedents, Speaker Boyd held that the request of a Member that he be excused from committee service was debatable only within very narrow limits.

The Chair trusts that debate on the pending question will be confined within the spirit of that ruling and the Chair will further state that he will strictly enforce the rule as to the relevancy of debate. . . .

MR. [GARRY] BROWN of Michigan: . . . Under the germaneness test that the Speaker recited at the commencement of this discussion did the Speaker contemplate that on his own volition and initiative that he would raise the question of germaneness; or must that question of germaneness be raised by someone on the floor? . . .

Does the Speaker [intend] to question the germaneness when in his mind it appears to be nongermane?

THE SPEAKER: The Chair has so stated, and the Chair so intends.

Disciplinary Resolution

§ 35.13 Debate on a resolution reprimanding a Member is confined to the official conduct of that Member and may not extend to the conduct or criminal convictions of other Members or former Members.

During consideration of House Resolution 1414 in the House on Oct. 13, 1978,⁽¹⁹⁾ the following proceedings occurred:

MR. [JOHN J.] FLYNT [Jr., of Georgia]: Mr. Speaker, I call up a privileged resolution (H. Res. 1414) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1414

Resolved, That the House of Representatives adopt the report by the Committee on Standards of Official Conduct dated October 6, 1978, in the matter of Representative Charles H. Wilson of California.

THE SPEAKER:⁽²⁰⁾ The Chair recognizes the gentleman from Georgia (Mr. Flynt) for 1 hour.

MR. FLYNT: . . . Mr. Speaker, in early 1977 . . . the House directed the Committee on Standards of Official Conduct to . . . conduct a "full and

19. 124 CONG. REC. 36976-81, 95th Cong. 2d Sess.

20. Thomas P. O'Neill, Jr. (Mass.).

complete inquiry and investigation to determine whether Members of the House of Representatives . . . accepted anything of value . . . from the Government of the Republic of Korea or representatives thereof.”. . .

This violation charged against my colleague and my friend, Charles H. Wilson of California, is that he acted in a manner that did not reflect creditably on the House of Representatives, in that he made a statement in writing to the committee in response to a questionnaire, whether he had received anything of value over \$100 from Tongsun Park.

When Mr. Wilson responded, he said that he had not. Subsequently, he told the committee . . . that he had previously received a wedding gift, on the occasion of his marriage in the Republic of Korea, from Tongsun Park. . . .

MR. CHARLES H. WILSON of California: . . . I have already informed the House of my decision not to contest the committee's recommendation that acceptance of its report shall constitute a reprimand. . . .

My decision was extraordinarily difficult for several reasons. My action may be considered by some as an admission of guilt. This is not the case. I assure you that I now believe, as I have throughout, that I am innocent. I freely admit that my wife and I received a cash wedding present from Tongsun Park. But there was nothing improper in this. The committee itself has found that the receipt of that present violates no statute or rule of this House. . . .

MR. [BRUCE F.] CAPUTO [of New York]: Mr. Speaker, I respect the right of everyone to feel differently about

this matter; but some of us went to Korea to hear Tongsun Park. I do not know if you had a chance to read his testimony. I gather a lot of you did not. He testified that he made \$850,000 in payments to some 34 Members of the House and the Senate. A lot of them are no longer Members of the House. Some of them are Members of the Senate. That is why all are not here today facing charges.

Second, a former Member of the House was indicted and convicted. Let me read to you from his conviction:

It was further part of said conspiracy that Tongsun Park, with knowledge and under the direction of the Korean Central Intelligence Agency, would corruptly provide money to various Members of the Congress and the Senate.

MR. [B. F.] SISK [of California]: Mr. Speaker, a point of order.

THE SPEAKER: The gentleman will state the point of order.

MR. SISK: Mr. Speaker, I make a point of order that the gentleman is not speaking on the subject under consideration. At the present time we are hearing a situation in connection with our colleague from California (Mr. Charles H. Wilson). We are not discussing the whole Korean episode from start to finish.

I think the gentleman is talking out of line in connection with something he is raising. I do not think he is in order.

THE SPEAKER: The gentleman will speak on the subject matter before us, which is House Resolution 1414, concerning Mr. Charles H. Wilson of California.

§ 35.14 No point of order lies, during debate on a discipli-

nary resolution (of censure) reported from the Committee on Standards of Official Conduct, against discussion of evidence allegedly not presented before the Committee, as the Chair can only rule on the basis of relevancy in debate, and not on the admissibility of evidence which is related to the charges on which censure is based.

On May 29, 1980,⁽¹⁾ the following proceedings occurred in the House during consideration of a privileged resolution reported from the Committee on Standards of Official Conduct (censuring Charles H. Wilson):

MR. [FLOYD] SPENCE [of South Carolina]: Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. Thomas).

(Mr. Thomas asked and was given permission to revise and extend his remarks.)

MR. [WILLIAM M.] THOMAS [of California]: . . . In addition to the sources the committee chairman mentioned located in the committee report, I have recently been able to obtain a candidate's campaign statement from the secretary of state of California, a statement that was required to be filed for primary elections and for general and special elections. I have before me this statement:

I, Charles H. Wilson, hereby state that at the general election held on

the 3rd day of November, 1970, I was a candidate for election to the office of: United States House of Representatives, and that all moneys paid, loaned, contributed, or otherwise furnished to me, directly or indirectly, . . . were, . . . as follows: . . .

MR. [WILLIAM D.] FORD of Michigan: . . . [A] point of order, Mr. Speaker. . . .

Mr. Speaker, I believe all we are supposed to be examining here is the record that was developed by the committee. I did not object when the gentleman from Wyoming (Mr. Cheney) brought in matters that were not in the record, but now the gentleman is going outside the action of the committee and presenting to this body evidence that was not presented before the committee, evidence that was apparently obtained by him independent of the committee's recommendation.

It is my assumption that Mr. Wilson has to defend against the record that was sent here by the committee. Now, if we have to defend against anything that anyone else wants to bring in, that is another matter.

THE SPEAKER PRO TEMPORE:⁽²⁾ The Chair does not believe that the gentleman is stating a point of order specifically. . . .

MR. FORD of Michigan: Mr. Speaker, my point of order is against the gentleman's introducing evidence here that was not introduced before the committee.

THE SPEAKER PRO TEMPORE: The Chair would rule on the gentleman's point of order by saying that the only test of the debate on the issues is the

1. 126 CONG. REC. 12661, 12662, 96th Cong. 2d Sess.

2. Robert A. Roe (N.J.).

relevancy of the matter presented. . . .

MR. [WILLIAM L.] CLAY [of Missouri]: Mr. Speaker, I have a point of order.

THE SPEAKER PRO TEMPORE: The gentleman will state his point of order.

MR. CLAY: Mr. Speaker, is it correct that we are supposedly deliberating on charges against one, Charles H. Wilson, that took place in 1971 and 1972? And, if so, what bearing on that does a record from 1970 have?

That is the record the gentleman is quoting from, Mr. Speaker.

MR. THOMAS: Mr. Speaker, may I answer that question?

THE SPEAKER PRO TEMPORE: Yes, the gentleman is recognized.

MR. THOMAS: Mr. Speaker, the loan of \$10,000 was made July 31, 1970. It was stated in the committee that that loan was reimbursement for campaign expenses. I am quoting from a November 1970 document filed with the secretary of state of California which indicates no moneys whatsoever were expended on the basis of that loan. . . .

Mr. Speaker, the dollar amounts indicate in fact in the primary and in the general election there was a campaign surplus. . . .

THE SPEAKER PRO TEMPORE: If the Chair may address the point of order, as far as the Chair is concerned, the Chair observes that the dialog that is taking place in the colloquy relates to the subject matter that is before the House, and the Chair thinks that it may unfold as the gentleman in the well is presenting it. The Chair sees no valid reason for a point of order at this point.

MR. CLAY: Mr. Speaker, if I may proceed with my point of order, this com-

mittee has spent hundreds of thousands of dollars for investigators and attorneys. They spent 18 months investigating this case and did not present this at the hearing or at the trial of Charles H. Wilson.

THE SPEAKER PRO TEMPORE: The gentleman will suspend.

The Chair observes that this is a very vitally important matter. The Chair feels that there are 350 to 400 pages in this committee report alone, plus all kinds of other background data.

The Chair does not feel that it has the prerogative of judging specifically other than general relevancy.

The Chair overrules the point of order, and the gentleman in the well will proceed.

§ 35.15 Debate on a resolution recommending a disciplinary sanction against a Member may not exceed the scope of the conduct of the accused Member.

On Dec. 18, 1987,⁽³⁾ during consideration of a privileged resolution (H. Res. 335, disciplining a Member) in the House, the following proceedings occurred:

MR. [JULIAN C.] DIXON [of California]: Mr. Speaker, I call up a privileged resolution (H. Res. 335) in the matter of Representative Austin J. Murphy, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

3. 133 CONG. REC. 36266, 36271, 100th Cong. 1st Sess.

H. RES. 335

Resolved, That the House of Representatives adopt the report by the Committee on Standards of Official Conduct dated December 16, 1987, in the matter of Representative Austin J. Murphy of Pennsylvania. . . .

THE SPEAKER PRO TEMPORE: ⁽⁴⁾ The gentleman from California [Mr. Dixon] is recognized for 1 hour.

MR. [NEWT] GINGRICH [of Georgia]: Mr. Speaker, I commend the committee for its report and its recommendation. Given the facts, a reprimand is a reasonable recommendation and I will vote "yes" but I sympathize with the plight of Mr. Murphy. We must be careful not to make a scapegoat of the gentleman from Pennsylvania.

This committee's earlier report on the gentleman from Rhode Island should be reexamined with this new yardstick. The committee's letter on the gentlewoman from Ohio should be scrutinized with this new yardstick. The admission of \$24,000 in election law violations by the gentleman from California should be held up to this new yardstick.

Finally, the numerous allegations about the Speaker must be——

MR. [TOMMY F.] ROBINSON [of Arkansas]: Mr. Speaker, I have a parliamentary inquiry. . . .

I thought we were here today to hear a very serious charge against one of our colleagues from Pennsylvania, not from California or other States.

THE SPEAKER PRO TEMPORE: Will the gentleman suspend? Does the gentleman from Georgia yield?

4. Doug McCurdy (Okla.).

MR. GINGRICH: No, I do not yield, Mr. Speaker.

MR. ROBINSON: Mr. Speaker, I raise a point of order.

THE SPEAKER PRO TEMPORE: The gentleman will state his point of order.

MR. ROBINSON: Mr. Speaker, my point of order is that we are here to consider the committee's report against our colleague Austin Murphy and not against other Members today that the charges have not been substantiated or presented to the committee.

MR. GINGRICH: Would the Chair——

THE SPEAKER PRO TEMPORE: Will the gentleman suspend?

The [gentleman] will yield on the point of order.

On the debate currently ongoing, there can be references made to other cases reported by the committee, not by individual or by name. The gentleman from Georgia, as the Chair understands, has not mentioned other individuals and the gentleman from Arkansas——

MR. ROBINSON: Mr. Speaker, he has, too.

THE SPEAKER PRO TEMPORE: The gentleman may compare disciplinary actions reported by the committee and should confine his remarks to the matters before the House.

MR. ROBINSON: I have a further parliamentary inquiry, Mr. Speaker. To my knowledge, these charges are not before the committee.

THE SPEAKER PRO TEMPORE: The gentleman from Georgia will proceed in order.

§ 35.16 Debate on a motion to postpone, whether when first offered or when reconsid-

ered, must be confined to the advisability of postponement and may not go to the merits of the main proposition.

During consideration of House Resolution 660 (in the matter of Representative Charles H. Wilson) in the House on May 29, 1980,⁽⁵⁾ the following proceedings occurred:

MR. [ALLEN E.] ERTEL [of Pennsylvania]: Mr. Speaker, I was in the House when the previous speaker got in the well and evidently brought in material which was not in the record before the committee, which in my judgment means there has been surprise to the defense in this case in the fact that the gentleman brought up evidence, which is a document from the State of California. . . .

I did vote on the prevailing side not to postpone. I would not have voted not to postpone, except for this what I consider to be a very unfair procedure. . . .

Mr. Speaker, I move to reconsider the vote to postpone. . . .

THE SPEAKER:⁽⁶⁾ Does the gentleman have the motion in writing?

The Clerk will report the motion.

The Clerk read as follows:

Mr. Ertel moves that the House reconsider the vote on the motion to postpone to a day certain. . . .

THE SPEAKER: The question is on the motion offered by Mr. Ertel to recon-

sider the vote on the motion offered by Mr. Rousselot to postpone consideration. . . .

So the motion to reconsider the vote on the motion to postpone was agreed to. . . .

THE SPEAKER: The question is on the motion offered by the gentleman from California (Mr. Rousselot) to postpone to June 10.

MR. [WYCHE] FOWLER [Jr., of Georgia]: Mr. Speaker, I would like to ask unanimous consent from this body for 10 minutes, to be equally divided between the opposition and the majority party, to debate the motion now before us by the gentleman from California (Mr. Rousselot). . . .

THE SPEAKER: Is there objection to the 10 minutes' debate?

The Chair hears none.

MR. FOWLER: Mr. Speaker, I have been permitted by my chairman of the committee to say to the body that we were willing, able, and prepared to stand on the report, the recommendations of our committee to this body on the matter of Charles H. Wilson. We were surprised today by the document introduced by the gentleman from California (Mr. Thomas). No other member of the committee had seen it. Mr. Charles H. Wilson had not seen it. We did not know that it was going to be introduced, and I would like to ask and would yield to the gentleman from California (Mr. Thomas) to ask him if he would request unanimous consent to strike from the Record that testimony in order to lay on the table.

MR. [WILLIAM D.] FORD of Michigan: Point of order, Mr. Speaker. . . .

I assume that the rules for debate of this 10 minutes are controlled by the

5. 126 CONG. REC. 12663-65, 96th Cong. 2d Sess.

6. Thomas P. O'Neill, Jr. (Mass.).

House rules, as was the original debate on the amendment offered by the gentleman from California, and that limits it to the question of delaying this matter, and not the merits of the case.

THE SPEAKER: Under the unanimous-consent request the gentleman is within his rights, the debate is on the advisability of postponement.

Speaker's Reluctance To Rule in Advance on Relevancy

§ 35.17 Where a special order provided that one hour out of four hours of debate on conference reports considered en bloc be confined to one of the reports, the Speaker declined in advance of the debate to discuss the scope of relevancy during the designated hour, but stated he would rule on any points of order made during such debate.

On Oct. 14, 1978,⁽⁷⁾ the following proceedings occurred in the House:

MR. [THOMAS L.] ASHLEY [of Ohio]: Mr. Speaker, pursuant to House Resolution 1434, I call up the conference reports on the bills [H.R. 4018, Public Utility Rates; H.R. 5037, Energy Conservation; H.R. 5146, Coal Conversion; H.R. 5289, Natural Gas Policy; and H.R. 5263, Energy Tax].

THE SPEAKER PRO TEMPORE:⁽⁸⁾ Pursuant to House Resolution 1434, the

7. 124 CONG. REC. 38349, 38350, 95th Cong. 2d Sess.

8. William H. Natcher (Ky.).

gentleman from Ohio (Mr. Ashley) will be recognized for 2 hours and the gentleman from Illinois (Mr. Anderson) will be recognized for 2 hours.

The Chair will recognize the gentleman from Ohio (Mr. Ashley) and the gentleman from Illinois (Mr. Anderson) for 30 minutes to debate the conference report on H.R. 5289. . . .

MR. [ROBERT E.] BAUMAN [of Maryland]: May I . . . inquire of the Chair whether the first hour of debate is to be directed to the natural gas conference report and not to the other four conference reports?

THE SPEAKER PRO TEMPORE: The gentleman is correct.

MR. BAUMAN: Only to the natural gas conference report?

THE SPEAKER PRO TEMPORE: The gentleman is correct.

MR. BAUMAN: Would it be out of order to discuss the other parts during that time?

THE SPEAKER PRO TEMPORE: The Chair would like to advise the gentleman that the Chair would have to rule as points along that line are brought to the attention of the Chair.

Motion To Postpone

§ 35.18 Debate on a motion to postpone must be confined to the issue of the desirability of postponement, and may not go to the merits of the main proposition.

During consideration of a privileged resolution reported from the Committee on Standards of Official Conduct, the Speaker advised

the Members as to the scope of debate on a motion to postpone. The proceedings in the House on May 29, 1980,⁽⁹⁾ were as follows:

MR. [CHARLES E.] BENNETT [of Florida]: Mr. Speaker, by direction of the Committee on Standards of Official Conduct, I call up a privileged resolution (H. Res. 660) in the matter of Representative Charles H. Wilson, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 660

Resolved,

(1) That Representative Charles H. Wilson be censured: . . .

MR. [JOHN H.] ROUSSELOT [of California]: Mr. Speaker, I offer a motion. The Clerk read as follows:

Mr. Rousselot moves to postpone further consideration of House Resolution 660 until June 10, 1980.

THE SPEAKER:⁽¹⁰⁾ The Chair recognizes the gentleman from California (Mr. Rousselot) for 1 hour.

MR. ROUSSELOT: Mr. Speaker, I yield 2 minutes, for the purposes of debate only, to my colleague, the gentleman from Arkansas (Mr. Bethune).

MR. [ED] BETHUNE [of Arkansas]: Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, during the course of the committee hearings one of the critical arguments that was made by the gentleman from California (Mr. Charles H. Wilson) was that the com-

mittee was acting as investigator, prosecutor, grand juror——

MR. [WILLIAM D.] FORD of Michigan: Mr. Speaker, I have a point of order.

THE SPEAKER: The gentleman will state his point of order.

MR. FORD of Michigan: Mr. Speaker, under the rules of the House the debate must be confined to the question of the postponement and not to any of the matters involving the matter being postponed.

THE SPEAKER: The gentleman is correct.

The Chair would like to advise the Members that a motion to postpone to a day certain is debatable within very narrow limits only. Under the precedents of the House, the motion is debatable only as to the desirability of postponing consideration of this resolution to June 10, and it does not admit debate on the merits of the pending proposition.

Debate as Legislative History

§ 35.19 A Member's allegation that debate between two other Members was an improper attempt to establish legislative history on a pending motion in the House was held not to constitute a proper point of order or parliamentary inquiry.

The following proceedings occurred in the House on Dec. 2, 1982,⁽¹¹⁾ during consideration of

9. 126 CONG. REC. 12649, 12650, 12652, 96th Cong. 2d Sess.

10. Thomas P. O'Neill, Jr. (Mass.).

11. 128 CONG. REC. 28552, 28559, 28560, 97th Cong. 2d Sess.

H.R. 2330 (Nuclear Regulatory Commission authorization):

THE SPEAKER PRO TEMPORE:⁽¹²⁾ Pursuant to clause 4, rule XXVIII, a motion to reject section 23 of the conference report having been adopted, the conference report is considered as rejected and the gentleman from Arizona (Mr. Udall) is recognized to offer an amendment consisting of the remainder of the conference report.

MR. [MORRIS K.] UDALL [of Arizona]: Mr. Speaker, pursuant to clause 4, rule XXVIII, and the action of the House, I move that the House recede from its disagreement and concur in the Senate amendment with an amendment which I send to the desk.

THE SPEAKER PRO TEMPORE: The Clerk will report the motion.

The Clerk read as follows:

Mr. Udall moves that the House recede and concur in the Senate amendment with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate, insert the following: . . .

MR. [RICHARD L.] OTTINGER [of New York]: Is it correct that the Commission's existing uranium mill tailings licensing requirements would then automatically go into effect, without constraints related to possible inconsistencies with proposed EPA standards?

MR. UDALL: Yes, that is correct. The applicability of NRC's existing standards in total would not be left in doubt by any provisions of the amendment.

MR. [SAMUEL S.] STRATTON [of New York]: Mr. Speaker, a point of order.

Are the gentleman from New York and the gentleman from Arizona estab-

lishing statutory legislation with these colloquies? They are giving to the EPA something that it does not have under the statutory law, or to the Nuclear Regulatory Commission.

THE SPEAKER PRO TEMPORE: The gentleman from New York fails to state a point of order.

MR. STRATTON: Well, it is a point of inquiry, Mr. Speaker. I am trying to determine whether this colloquy is going to go down in the law books as being the law of the land, because it certainly differs to what the legislation [is] at the present time. The Nuclear Regulatory Commission has no authority over mill tailings or has any authority to direct the EPA.

THE SPEAKER PRO TEMPORE: The Chair is unable to respond to the gentleman's inquiry. The response will have to come from the gentleman from Arizona (Mr. Udall).

MR. UDALL: Mr. Speaker, let me say to the gentleman from New York that obviously we cannot with a colloquy change the law. We cannot change the conference report. We can indicate what it means and how it is interpreted by Members who served on it.

Debate on Special Orders

§ 35.20 Unanimous-consent requests to address the House for up to one hour may specify the subject of the "special order", and the occupant of the Chair during that special order may enforce the rule of relevancy in debate if the special order has been permitted only on that subject.

12. William H. Natcher (Ky.).

Most special-order requests do not specify the subject to be debated, and if granted by the House the Member recognized may speak on any subject. Under Rule XIV, clause 1, however, if the question under debate has been specified by the House, the Member must confine his remarks to that subject. On Jan. 23, 1984,⁽¹³⁾ a Member indicated the subject of special orders requested, and another Member asked for a ruling that the special orders be strictly limited to those subjects:

MRS. [PATRICIA] SCHROEDER [of Colorado]: Mr. Speaker, I ask unanimous consent that today, following legislative business and any special orders heretofore entered into, the following Members may be permitted to address the House, revise and extend their remarks, and include extraneous material:

Ms. Oakar, for 15 minutes;

Mr. Annunzio, for 5 minutes;

Mr. Gonzalez, for 30 minutes

THE SPEAKER PRO TEMPORE:⁽¹⁴⁾ . . . Is there objection to the request of the gentlewoman from Colorado? . . .

MRS. SCHROEDER: Mr. Speaker, I also ask unanimous consent that following legislative business on the following days, these special orders be allowed so that Members may revise and extend their remarks, and include therein extraneous material:

13. 130 CONG. REC. 90-93, 98th Cong. 2d Sess.

14. Richard B. Ray (Ga.).

Mrs. Schroeder, to honor the prior Congressman, Mr. Rogers——

MR. [ROBERT S.] WALKER [of Pennsylvania]: Regular order, Mr. Speaker.

MRS. SCHROEDER: Mr. Speaker, may I make a point? These are requests for the honoring of members who were deceased over the period that we have been adjourned.

MR. WALKER: Regular order, Mr. Speaker.

The unanimous-consent request is simply for time, and it is not supposed to include the title of what it is that is being done. . . .

MRS. SCHROEDER: Yes, Mr. Speaker. There is precedent for restating why we want special days assigned, and several Members, prior Members of this body, were deceased during this period while we have been adjourned.

Many Members would like to participate in the special orders, and Members have requested certain days in advance so that we could know that and send out a "Dear Colleague" in order to do that. . . .

The three orders dealing with that are these:

Myself, representing the memory of Byron Rogers, which we hope to do on January 30 for 60 minutes; and

Mr. Kastenmeier and Mr. Fascell on January 31, both wanting 60 minutes to the memory of our deceased prior chairman, Mr. Zablocki.

THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentlewoman from Colorado?

MR. WALKER: Mr. Speaker, reserving the right to object, I do so to request of the Chair whether or not these special orders will be absolutely limited to those subject matters. I ask whether

the Chair will rule at this point that those special orders being entered into will be absolutely limited to those subject matters that were suggested by the gentlewoman from Colorado.

THE SPEAKER PRO TEMPORE: The Chair will state that the occupant of the chair at the time would have to rule on such matters.

Motion To Amend

§ 35.21 Debate on a motion to amend must be confined to the subject of the amendment, and may not range to the merits of a proposition not included in the underlying resolution.

On Jan. 31, 1995,⁽¹⁵⁾ H. Res. 43, permitting committee chairmen to schedule and announce hearings, was being considered in the House:

H. RES. 43

Resolved, That, in rule XI of the Rules of the House of Representatives, clause 2(g)(3) is amended to read as follows:

“(3) The chairman of each committee of the House (except the Committee on Rules) shall make public announcement of the date, place, and subject matter of any committee hearing at least one week before the commencement of the hearing. If the chairman of the committee determines that there is good cause to begin the hearing sooner,

the chairman shall make the announcement at the earliest possible date. Any announcement made under this subparagraph shall be promptly published in the Daily Digest and promptly entered into the committee scheduling service of the House Information Systems.”.

An amendment was offered:

MR. [GERALD B. H.] SOLOMON [of New York]: Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Solomon: Page 2, line 2, strike “If” and all that follows through the period on page 2, line 5 and insert the following: “If the chairman of the committee, with the concurrence of the ranking minority member, determines there is good cause to begin the hearing sooner, or if the committee so determines by majority vote, a quorum being present for the transaction of business, the chairman shall make the announcement at the earliest possible date.”. . .

MR. SOLOMON: Mr. Speaker, the amendment speaks for itself. It is an agreed-upon amendment. I do not know of any opposition to it. At the appropriate time, if there are no other speakers on the other side of the aisle, I would expect to move the previous question.

Mr. Speaker, I would ask the gentleman from Massachusetts if he has any requests for time.

MR. [JOHN J.] MOAKLEY [of Massachusetts]: Mr. Speaker, I have requests from the Members who were part of the compact we struck last Friday. . . .

MR. [JOHN] BRYANT of Texas: Mr. Speaker, this is a rules change pending

15. 141 CONG. REC. p. ____, 104th Cong. 1st Sess.

before the House today that was worked out and brought to the floor over a period of several days. Into this rules change was invested a good deal of effort by the Republicans and by the Democrats, but this is not a rules change that the public is concerned about.

When the House of Representatives adopted its rules for the 104th Congress, a rules change, which the public is concerned about and that had the overwhelming support of Democrats, was conspicuously absent. That is a rule to prohibit the taking of gifts by Members of Congress from paid lobbyists.

MR. [JOHN] LINDER [of Georgia]: Point of order, Mr. Speaker. Regular order.

THE SPEAKER PRO TEMPORE:⁽¹⁶⁾ For what purpose does the gentleman from Georgia [Mr. Linder] rise?

MR. LINDER: Mr. Speaker, I would inquire if the gentleman from Texas [Mr. Bryant] is speaking to the motion before the House.

THE SPEAKER PRO TEMPORE: The Chair will state that debate must be confined to the pending resolution.

The gentleman from Texas [Mr. Bryant] may proceed in order.

MR. BRYANT of Texas: Mr. Speaker, the pending resolution ought to include language to say that Members of Congress cannot take free meals and free vacations and free golf trips from lobbyists that are paid to influence the proceedings before this House. That addition to this provision could have been brought forward. It ought to be brought forward.

MR. SOLOMON: Mr. Speaker, regular order. The gentleman is not talking in regard to a germane amendment to the issue before us right now.

THE SPEAKER PRO TEMPORE: The Chair would advise the gentleman that the debate must be confined to the subject at hand.

MR. BRYANT of Texas: I have a parliamentary inquiry, Mr. Speaker. . . .

Mr. Speaker, if I advocate that this amendment ought to be defeated unless it includes the language that I have suggested with regard to prohibiting Members of Congress from taking freebies from lobbyists, would I then not be talking upon the amendment at hand?

THE SPEAKER PRO TEMPORE: It is not relevant to discuss unrelated issues as a contingency on this resolution.

§ 36. —On Question of Privilege

Question of Personal Privilege

§ 36.1 In addressing the House on a question of personal privilege a Member must confine himself to that question.

On May 6, 1932, Mr. John E. Rankin, of Mississippi, arose to state a question of personal privilege based on a newspaper editorial accusing the majority of the House of treason under the leadership of Mr. Rankin.⁽¹⁷⁾

17. 75 CONG. REC. 9715, 72d Cong. 1st Sess.

16. William E. Barrett (Nebr.).